



Payment Policies for Contract Court Interpreters

Summary

The Judicial Council of California adopted payment policies for contract court interpreters in February 1, 2000. The payment policies reimburse interpreters for mileage, travel time, and excess pay in specific circumstances; define the full and half-day session; provide a cancellation fee under certain conditions; and allow for payment above the established rates in unusual circumstances, as defined herein.

Background

The Budget Act of 1997–1998 (Assem. Bill 107), the Budget Act of 1998–1999 (Assem. Bill 1656), and the Budget Act of 1999–2000 (Sen. Bill 160) give the Judicial Council the responsibility to set compensation rates and policies for contract court interpreters.

Intent

The intent of these policies is to establish comprehensive payment practices for contract interpreters while continuing to allow for local flexibility. In adopting these additional payment policies, the council recognizes that interpreters are independent contractors and these policies are not intended to change their status as independent contractors.

Local Discretion to Meet Unique Needs

The daily payment rates below do not affect the trial court's discretion in compensating above the established rate to obtain services in unique or unusual circumstances. For example, securing the services of a Navajo interpreter from out of state or a certified interpreter in trial courts that have limited or no certified interpreters living within their jurisdiction.

Payment Policies

Daily payment rates

The council's goal is for the trial courts to use only certified and registered interpreters in all interpreted proceedings. For those instances in which a trial court has exhausted all options to secure the services of a certified or registered contract interpreter, the council has established a separate, lower rate schedule for noncertified and nonregistered contract interpreters. The differential structure is intended to encourage noncertified and nonregistered interpreters to gain the necessary skills to become certified or registered and to reward the efforts of those interpreters who have improved their skills and achieved certification. The rates are as follows:

Certified and registered interpreters (as of July 1, 2000)

\$265 per day or \$147 per half-day

Noncertified and nonregistered interpreters (as of August 1, 1999)

Not more than \$175 per day or \$92 per half-day, as determined by the local trial court system.

Noncertified incremental adjustment (as of September 1, 1999)

An additional \$25 per day or \$13 per half-day for noncertified contract interpreters only, subject to certain conditions.

Sign language interpreters

Pursuant to section 754(i) of the Evidence Code, the rate for certified court and registered contract interpreters applies to sign language interpreters for the deaf or hearing impaired. The council has designated two testing entities, Registry for the Deaf and California Coalition Agency Serving the Deaf, to certify sign language interpreters.

Staff interpreters

The rates established for contract interpreters do not apply to the compensation paid to staff interpreters. Pursuant to the budget control language, staff interpreters must be certified or registered to be considered an allowable expense under the Interpreters Program budget. If the local trial courts wish to convert contract interpreter expenditures to certified or registered staff interpreter positions, please contact Finance Division staff for guidance.

Definitions of the half-day and full-day sessions

A half-day and full-day of interpreting services are defined as follows:

- a. A morning half-day session is any portion of a consecutive four-hour period beginning no earlier than 8:00 a.m. and ending by 12:15 p.m.; an afternoon session is any portion of a consecutive four-hour period beginning no earlier than 1:00 p.m. and ending by 5:15 p.m.
- b. A full-day is defined as any time beyond the half-day morning session. This definition ensures that contract interpreters do not have their compensation for an afternoon assignment (i.e., travel to another location) placed in jeopardy.

Excess pay

The trial court may negotiate with the contract interpreter for services provided on a single day beyond or outside the full-day session. The court may negotiate premiums not to exceed:

- An hourly rate, up to 1/8 of the full-day rate based on the certification status, OR
- A flat fee, up to the half-day rate based on certification or registration status:
 - Currently up to \$147 for certified and registered contract interpreters,
 - Currently up to \$105 for noncertified entry level 1 provisionally qualified interpreter, and
 - Currently up to \$92 for noncertified and nonregistered interpreters.

Cancellation fee

A cancellation fee is paid under the following conditions:

- a. A contract is entered into with the interpreter more than 24 hours or one business day in advance of the assignment, and
- b. An assignment is cancelled without 24-hour notice, or for assignments beginning on the first business day of the work week, without one business day's notice.

If an interpreter receives another assignment from a state trial court system or federal court, the canceling state trial court is entitled to an offset amount, up to the cancellation fee. The interpreter is to be compensated for the assignment up to a maximum of one full-day. A larger cancellation fee may be paid in unusual circumstances (defined below).

Unusual circumstances

A premium above the daily rate, mileage reimbursement, and/or cancellation fee may be provided under unusual circumstances. Unusual circumstances are defined as follows:

- There are limited or no certified or registered contract interpreters in the needed language living within the county, or
- The county is of large geographical size, and
- The alternative is either to continue the proceeding or utilize the services of a noncertified or nonregistered interpreter.

Multilingual interpreters

A premium above the daily rate may be provided for interpreters who render services in more than one language on the same day. The typical practice is to pay an interpreter two half-days rather than one full day.

Mileage reimbursement

Mileage is reimbursed when the interpreter travels 60 miles or more roundtrip AND travels outside the county of his or her place of business (address used for tax purposes). The rate of reimbursement is linked to the state rate, currently \$.34 per mile. Greater mileage reimbursement may be made in unusual circumstances (defined below). Extraordinary travel costs such as airfare may be reimbursed only with advance approval of the court executive officer.

Travel time

The interpreter may be paid a premium for travel time if the interpreter travels more than 60 miles AND travels outside the county of his or her place of business (the interpreter's business address for tax purposes). The trial court and the interpreter shall negotiate the amount of the premium.

Allowable Uses of Interpreter Funding

Funds allocated from the Interpreters Program budget are for payment of the following allowable interpreter expenses: contract interpreters, mileage and certain travel costs for contract interpreters, certified or registered staff interpreters, and up to one full-time interpreter coordinator according to the county's population. Any cost savings from the use of noncertified or nonregistered interpreter services may not be shifted for payment of other trial court expenditures, and any unspent funds must be returned to the State of California's General Fund.

For further information, please call Shireen Advani, Program Coordinator, Court Interpreters Program, at 415-865-7606.